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REFER TO FILE NUMBER 1364-20

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REPLY TO MORRISTOWN OFFICE

January 12, 1979

Deborah T. Poritz, Esq.  
Deputy Attorney General  
Department of Law and Public Safety  
Environmental Protection Section  
36 West State Street  
TRENTON, NJ 08625

RE: NATIONAL GYPSUM COMPANY,  
GOLD BOND BUILDING PRODUCTS -  
Property Previously Owned in  
Millington, New Jersey

Dear Ms. Poritz:

This firm represents Tifa, Ltd. in connection with this dispute with National Gypsum Company concerning the manner in which certain work was being performed, or attempted to be performed by National Gypsum Company, its servants or agents at or adjacent to the banks of the Passaic River at the former National Gypsum Company site in Millington, New Jersey.

Mr. Irenas' letter to you dated January 10, 1979 is too simplistic in its conclusions.

National Gypsum Company has not received the approval of the Planning Board of Passaic Township for the work which it proposes to do, nor does it have the approval of Tifa, Ltd. as to the manner in which the work is to be performed.

I have specific reference to National Gypsum's proposed plan to divert storm water run off from an existing ditch which runs, generally, southerly to the river, to fill in that ditch, and to shunt or divert the resulting run off into another open ditch which has a right angle bend in it.

It was the opinion of Tifa, Ltd., and we believe it would be the opinion of the Passaic Township Planning Board if the plan were presented to it, that the intensification of these surface waters in this open ditch would result in the exposure of asbestos fibre

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- containing materials which would then be carried into the river. It is the contention of Tifa, Ltd. that this increased surface run off, if it is to be diverted, should be piped. This is sound environmental and engineering planning and Tifa is in no way being arbitrary in its objections to the manner in which National Gypsum Company proposed to alter the course of this run off.

If you will review this with your engineering staff, I'm sure they will agree that these objections are well founded.

Very truly yours,

SEIDEL, STAUBER & WONG, P.A.



JOSEPH S. SEIDEL  
For the Firm

JSS:jr

c.c. Joseph E. Irenas, Esq.  
George C. Witte, Jr., Esq.  
Mr. A.M. Livingston - Tifa, Ltd.

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